

**UTAH DEPARTMENT OF HEALTH
MELVIN M. OWENS FITNESS CENTER
BYLAWS**

Article I - Name

Section 1. The name of this organization shall be the Utah Department of Health Melvin M. Owens Fitness Center and may also be reference to as the Cannon Health Building Fitness Center (hereafter, Fitness Center).

Article II - Purposes and Objectives

Section 1. Providing and maintaining the Fitness Center to promote physical fitness and health among Utah Department of Health (hereafter, Department) employees, others working within the Cannon Health Building, and as far as facility capacity allows to any other state employee interested in becoming a member of the Fitness Center.

Section 2. To provide and maintain classes, programs and equipment for use by Fitness Center members within the Fitness Center.

Article III - Outline of Organization

Section 1. Subject to the Department's Executive Director's office (hereafter EDO) oversight, the Fitness Center shall be managed by a volunteer Committee which shall consist of nine elected or when necessary appointed members. In order to be an eligible candidate for election or appointment to a position on the Committee, the candidate must be a current member of the Fitness Center.

Section 2. The Committee shall consist of the following officers:

- A. Chair
- B. Vice-Chair
- C. Secretary
- D. Treasurer
- E. Fitness Class Chair
- F. Membership Chair
- G. Equipment Chair
- H. Special Events Chair
- I. Publicity Chair

Section 3. Annual elections will be held every July with Committee members beginning service on August 1. Elected positions are for two-year terms. To maintain continuity the terms of the chair and vice Chair expire on alternate years. The Vice-chair will assume the responsibilities of

the Chair in the second year of the two-year term. Approximately half of the seats on the Committee will expire in any given year.

Section 4. In the event of a vacancy the Committee shall appoint a replacement by majority vote for the duration of the vacated term.

Section 5. Other Committee assignments will be made by the Chair and Vice chair.

Section 6. The Chair shall have the power to appoint any standing or ad hoc committees as are needed to effectively administer the Fitness Center. Ad hoc committees may include but not be limited to: publicity, special events, equipment, etc.

Article IV - Membership and Member Responsibilities

Section 1. Membership in the Fitness Center shall be open to the following:

A. All Utah Department of Health, other agency and contracted employees housed in the Martha H. Cannon Health Building who shall have priority access to membership.

B. Beyond Department, state and contracted employees housed in the Cannon Health Building, any other employee of the state of Utah may be a member as long as the Fitness Center's capacity can accommodate the membership number.

C. Membership can include temporary and part-time employees.

Section 2. Membership in the Fitness Center shall be granted to eligible persons upon signing the membership agreement and payment of the full membership fee. Membership shall entitle the member to all privileges of the organization including the right to vote and hold office in the Fitness Center organization.

Section 3. Members shall pay a standard annual fee that can be pro rated if paid during the year after the June/July renewal period. The Fitness Center funds derived from member fees shall only be used for operating and supporting the Fitness Center and its functions.

Section 4. Members shall be familiar with and abide by the terms of the membership agreement and the Fitness Center rules. Fitness Center rules will be posted on the Fitness Center bulletin board and web site.

Section 4. Each user of equipment is responsible to be knowledgeable in utilizing the equipment in a proper and safe manner. The Fitness Center shall make available upon request information or instruction on proper and safe use of Fitness Center equipment. The application for membership shall contain a statement of the inherent risks involved in fitness activities and inform the applicant of their obligation to know how to utilize the equipment in a safe and proper manner.

Section 5. Fitness Center members are individually responsible to be examined by a physician to ensure they are in suitable physical condition to engage in physical activity. Members will adhere to their physician's advice on the appropriate level of exercise they should engage in.

Section 6. Members are responsible to operate equipment properly and safely, and care for the equipment. Members shall report damaged equipment to a Committee member. Any member damaging equipment by misusing the equipment may be required to pay the cost of repair.

Article V - Special Use Provisions

Section 1. Special use arrangements may be granted to individuals or agencies housed within the Martha H. Cannon Health Building on a contractual basis as negotiated by the Fitness Center Committee and the individuals or agencies desiring special use; provided that the special use shall be limited to exercise and physical fitness activities consistent with the purpose of the Fitness Center and not interfere with member's priority use of the facility.

Section 2. Individuals using the Fitness Center under these special use provisions shall be limited in use to the provisions of the contract or the program in which they are participating. Special use fees and duration of access privileges will be determined by the Fitness Center Committee.

Article VI - Department Oversight

As the sponsoring and supporting agency of the Fitness Center, the Department has a primary interest that the Fitness Center be available and operate in a manner that is financially responsible, safe and beneficial to Department employees as well as to other eligible members. Any Committee action or decision may be subject to EDO review and input. The EDO may in its discretion overturn a Committee action or decision and set forth its own directive on the Fitness Center. The EDO may assign a person to attend Committee meetings on behalf of EDO or request updates from the Committee.

Article VII - Duties of the Committee

Section 1. Committee authority, duties and fiduciary responsibilities are only for advancing the purposes and objectives of the Fitness Center. In conformance with such authority and duties, the duties of each chair member on the Committee are as follows:

Section 2. Duties of the Chair:

Preside at all meetings of the total membership and of the Committee;
Be an ex-officio member of all ad hoc committees; and
Guide the Fitness Center in the accomplishment of its purposes and objectives.

Section 3. Duties of the Vice-Chair

Assume the duties of the Chair pro tempore during any absence of the Chair;

Assist the Chair to accomplish Fitness Center purposes and objectives; and
Perform other duties as are assigned by the Chair.

Section 4. Duties of the Secretary

Keep and maintain a file of minutes of all meetings of the Fitness Center and its Committee;
Keep a file of Committee members and their terms of service; and
Perform all other duties incident to the office of Secretary and as may be assigned by the Committee.

Section 5. Duties of the Treasurer

Collect receive make payment and maintain records of all monies belonging to the Fitness Center. All monies withdrawn from the treasury shall be approved by the Fitness Center Committee;
Make available to the membership annually a statement summarizing the year's receipts and disbursements of the Fitness Center; and
Perform all other duties incident to the office of Treasurer and as may be assigned by the Committee.

Section 6. Duties of the Membership Chair

Keep and maintain a record of the Fitness Center membership;
Receive payment of membership dues;
As best as practicable maintain a current e-mail list of members; and
Perform all other duties incident to the office of Membership Chair and as may be assigned by the Committee;

Section 7. Duties of the Fitness Class Chair

Oversee the activities of the Fitness Center classes;
Serve as the primary point of contact between fitness instructors and the Committee;
Make recommendations to the Committee concerning safety issues, class scheduling, instructors, and other group fitness class needs;
Make available to membership a current schedule of fitness classes; and
Perform all other duties incident to the office of Fitness Class Chair and as may be assigned by the Committee.

Section 8. Duties of the Equipment Chair

Oversee the equipment needs of the Fitness Center;
Make recommendations to the Committee concerning equipment, safety issues, maintenance, repair and equipment purchase needs; and
Perform all other duties incident to the office of Equipment Chair and as may be assigned by the Committee.

Section 9. Duties of the Publicity Chair

Oversee the information, promotion and education needs of the Fitness Center;
Maintain the Fitness Center web site; and
Perform all other duties incident to the office of Publicity Chair and as may be assigned by the Committee.

Section 10. Duties of the Special Events Chair

Oversee special events offered by the Fitness Center (e.g. new and renewing membership open house, promotional exercise clinics and member appreciation day); and
Perform all other duties incident to the office of Special Events Chair and as may be assigned by the Committee.

Section 11. Committee members shall attend the regularly scheduled Committee meetings. Committee members who miss two consecutive Committee meetings without a valid reason may be removed from the Committee by majority vote of the other Committee members. Any such vacancies will be filled as described in Article III.

Section 12. Committee members are required to read the Bylaws, Membership Agreement and Fitness Center's Information and Rules upon taking office.

Article VIII- Fees

Section 1. Adjustments to the standard membership, limited membership and locker fees may be proposed from time to time by the Committee to meet changing costs to the Fitness Center. Fees may be adjusted at any time by a simple majority of those in attendance at a membership meeting (and timely submitted absentee ballots) held for that purpose.

Section 2. A class fee for a specific program (usually fitness classes or other training) may be set by the Committee and charged in addition to the standard fees.

Section 3. Shower only users are not members of the Fitness Center and the shower only fee is set by EDO. The shower only fee is payable to the Fitness Center for its benefit. Shower only users can only utilize shower/restroom facilities and are not authorized to utilize Fitness Center equipment, classes or any other benefits provided to Fitness Center members.

Article IX - Amendment of Bylaws

Section 1. These Bylaws may be amended by the EDO without Committee or member involvement if the EDO deems it appropriate as the sponsoring agency.

Section 2. The Committee may propose an amendment to the Bylaws to the membership. The Committee shall notify the members of a membership meeting for a vote as outlined in Article X. These Bylaws may be amended by members of the Fitness Center by a simple majority of

those in attendance at a membership meeting (and timely submitted absentee ballots) held for that purpose.

Article X - Membership Notification, Participation and Appeals

Section 1. The Committee shall provide notice to the membership of any general meeting for voting at least two weeks in advance of such occurrence. An e-mail notice to all members is the preferable form of notice. However, with membership always changing, it may not be possible for the volunteer Committee to maintain a current membership e-mail list at all times. If the Committee finds that the member e-mail list is outdated and giving notice by e-mail to substantially all members is questionable, posting notice on the Fitness Center door, bulletin board, web site and on DOHnet will be sufficient notice.

Section 2. Absentee ballots for general membership votes will be accepted by the Committee from members prior to the membership meeting for the vote.

Section 3. Fitness Center members may appeal an action taken by the Committee and call for a general membership meeting and vote by the following procedure:

Fifteen members in good standing must provide a written request for appeal to the Committee. Such notification must describe the Committee action being appealed, the reason why the action is being appealed, and recommended alternatives to the action being appealed.

The appeal process does not apply to Committee actions that are the result of a membership vote.